

TRINA A. HIGGINS, United States Attorney (#7349)  
RUTH HACKFORD-PEER, Assistant United States Attorney (#15409)  
MELINA SHIRALDI, Assistant United States Attorney (#13110)  
CHRISTOPHER BURTON, Assistant United States Attorney (NV #12940)  
Attorneys for the United States of America  
Office of the United States Attorney  
111 South Main Street, Suite 1800  
Salt Lake City, Utah 84111-2176  
Telephone: (801) 524-5682

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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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UNITED STATES OF AMERICA,  Plaintiff,	<b>MOTION TO STRIKE UNITED STATES' OPPOSITION (DKT. 168)</b>  Case No. 4:23-cr-00077-DN-DAO  District Judge David Nuffer
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vs.

VINT WADE, DONNA WADE, and  
STEVEN WILLING,  
  
Defendants.

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The United States, by and through the undersigned Assistant United States Attorney, hereby moves to strike its Opposition and Motion to Strike the Defendant's Joint Motion to Suppress and Request for a Hearing (Dkt. 168) ("Opposition"). On July 17, 2024, the government filed a memorandum in opposition to the Defendants' joint motion to suppress (Dkt. 155). The factual representations included in the Opposition were derived from factual assertions included in the December 7, 2022 affidavit, various ROIs produced in discovery, and statements made by SA Jason Bulkley during phone calls. Based on those sources, many of which predate the undersigned's employment as

an Assistant United States Attorney in this District, the undersigned believed the factual representations in the Opposition were accurate.

After filing the Opposition, the undersigned learned for the first time on July 25, 2024, that some of the factual representations included in the Opposition (and derived from the above-listed sources) were inaccurate. The government is currently undergoing efforts to identify and determine the nature of any inaccurate statements in the Opposition. This process has been slowed by the fact that SA Jason Bulkley, the affiant for the December 7, 2022 warrant, does not currently have access to necessary physical files. SA Bulkley is out of the district on a short-term fire detail and is due to return to St. George, Utah, where his office and those physical files are located, on July 28 or July 29, 2024.


In accordance with its duty of candor to the Court, the government respectfully requests the Court strike the Opposition in its entirety and requests the Court allow two weeks for the government to file a new memorandum in opposition. This will permit the government time to confirm the accuracy of all factual representations it will make.

## CONCLUSION

Based on the foregoing, the government respectfully requests that the Opposition be stricken.

RESPECTFULLY SUBMITTED July 26, 2024.

TRINA A. HIGGINS  
United States Attorney

  
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CHRISTOPHER BURTON  
Assistant United States Attorney